

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JONATHAN BRIAN HILTZ,

Defendant.

CR 22–10–BU–DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings & Recommendation Concerning Plea. (Doc. 24.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Hiltz is charged by indictment with one count of prohibited person in possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g)(1) (Count I) and one count of possession of an unregistered firearm, in violation of 26 U.S.C. § 5861(d) (Count II). (Doc. 2.) Judge DeSoto recommends that this Court

accept Hiltz's guilty plea to Count I after he appeared before her pursuant to Federal Rule of Criminal Procedure 11. The Court finds no clear error in Judge DeSoto's Findings and Recommendation and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report. The Court will address the issue of forfeiture (Doc. 26) by separate order.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 24) is ADOPTED in full.

IT IS FURTHER ORDERED that Hiltz's motion to change plea (Doc. 16) is GRANTED.

IT IS FURTHER ORDERED that Hiltz is adjudged guilty as charged in Count I of the Indictment.

DATED this 18th day of July, 2022.



Dana L. Christensen, District Judge
United States District Court